

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

JEREMY KEEL, JEROD BREIT,)
HOLLEE ELLIS, FRANCES HARVEY,)
RHONDA BURNETT, DON GIBSON,)
LAUREN CRISS, JOHN MEINERS,)
DANIEL UMPA, CHRISTOPHER)
MOEHRL, MICHAEL COLE, STEVE)
DARNELL, JACK RAMEY, and)
JANE RUH, individually and on behalf)
of all others similarly situated,)

Plaintiffs,)

v.)

Case No. 4:25-cv-00055-SRB

HOUSE OF SEVEN GABLES)
REAL ESTATE, INC., WASHINGTON)
FINE PROPERTIES, LLC; SIDE, INC.;)
SIGNATURE PROPERTIES OF)
HUNTINGTON, LLC; J.P. PICCININI)
REAL ESTATE SERVICES, LLC;)
JPFR FRANCHISING, LLC; CAIRN)
REAL ESTATE HOLDINGS, LLC;)
CAIRN JPFR HOLDINGS, LLC;)
YOUR CASTLE REAL ESTATE, LLC;)
BROOKLYN NEW YORK MULTIPLE)
LISTING SERVICE, INC.; CENTRAL)
NEW YORK INFORMATION)
SERVICE, INC.; FIRST TEAM REAL)
ESTATE - ORANGE COUNTY; SIBCY)
CLINE, INC.)

Defendants.)

JURY TRIAL DEMANDED

**PLAINTIFFS' MOTION AND SUGGESTIONS IN SUPPORT OF
MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT WITH
DEFENDANT SIBCY CLINE**

This Court granted preliminary settlement approval on February 4, 2025. *See* Doc. 7. On February 5, 2025, Plaintiffs reached an additional settlement with Sibcy Cline, Inc. and Sibcy

Cline, Inc. of Kentucky (collectively, “Sibcy Cline”). The Settlement is attached as Exhibit A to the Berman Declaration, Exhibit 1. The Sibcy Cline Settlement is materially the same as all other settlements in this case that the Court approved.

As with the prior settlements in the real estate commissions litigation, the Sibcy Cline Settlement was the result of lengthy arms-length negotiations, including mediation with Greg Lindstrom, and consideration of the risk and cost of litigation. *See* Berman Decl. at ¶¶ 10-12. As with the prior settlements, this Settlement was reached after an investigation of the Defendant’s financial condition and ability to pay a judgment or settlement. *See id.* The Settlement is fair, reasonable, and adequate, and beneficial to the Settlement Classes. *See id.* The Class Representatives have approved them. *See id.* at ¶ 13.

A. Settlement Class:

The proposed Sibcy Cline Settlements reflects the same Settlement Class that the Court preliminarily approved for all other brokerage Defendants in this case:

All persons who sold a home that was listed on a multiple listing service¹ anywhere in the United States where a commission was paid to any brokerage in connection with the sale of the home in the following date range: October 31, 2019 to date of Class Notice.

(*See* Sibcy Cline Agreement at ¶ 13)

B. Settlement Amount:

The Settlement provides Sibcy Cline will pay \$895,000, bringing the total settlement fund in this case to a total of \$11,465,000 for the benefit of the Settlement Class.

Together with other Settlements in *Gibson* and *Burnett*, Plaintiffs have recovered over \$1 billion for the benefit of the Settlement Class. The non-monetary terms of Sibcy Cline Settlement

¹ MLS includes non-NAR multiple listing services, including REBNY / RLS, as well as multiple listing services owned, operated, or governed by, or associated with the Florida Association of Realtors (or its regional and local associations).

are the same in all material respects as the terms of the previous *Gibson* and *Burnett* Settlements that this Court preliminarily approved in this case, as well as including substantially similar **Practice Changes** (Sibcy Cline Agreement at ¶¶ 48-50), **Cooperation** (*id.* at ¶¶ 51-54), and **Release** provisions (*id.* at ¶¶ 28-30).

Because the Settlement provides substantially similar relief to the Settlements the Court previously approved in *Burnett* (*Burnett* Docs. 1487, 1622), *Gibson* (*Gibson* Doc. 530), and *Keel* (Doc. 7), the Court should grant preliminary approval of the present Settlement with Sibcy Cline. In support, Plaintiffs incorporate herein their previous motions for preliminary and final approval in *Gibson* and *Burnett* (*e.g.*, *Burnett* Docs. 1458, 1518, 1538; *Gibson* Docs. 161, 294, and 521) as well as this case (Doc. 2).

Plaintiffs will include the Sibcy Cline Settlement in their forthcoming motion for approval of the form and manner of Class notice that satisfies the requirements of due process and also takes into account the settlement notice that has already been provided at least three times in *Burnett* and *Gibson*.

Wherefore, Plaintiffs respectfully request that the Court enter an order: (1) preliminarily approving the Settlement with Sibcy Cline; (2) certifying the Settlement Class as defined above for settlement purposes only; (3) appointing Plaintiffs as Settlement Class Representatives; (4) appointing Co-Lead Settlement Class Counsel;² (5) appointing JND as the notice administrator; and (6) directing Plaintiffs to file, at a later date, a motion seeking approval of the form and manner of class notice.

² Proposed Settlement Class Counsel are Ketchmark & McCreight P.C., Boulware Law LLC, Williams Dirks Dameron LLC, Hagens Berman Sobol Shapiro LLP, Cohen Milstein Sellers & Toll PLLC, and Susman Godfrey LLP. (*See, e.g.*, Doc. 530 at ¶ 88 and Doc. 534 at ¶ 8.)

Dated: February 7, 2025

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Respectfully submitted by,

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